

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-003878

02/22/2012

HONORABLE HUGH HEGYI

CLERK OF THE COURT  
K. Ballard  
Deputy

GENOVEVA JOHNSON, et al.

CHARLES M BREWER

v.

PHOENIX CHILDRENS HOSPITAL INC, et al.

GINAMARIE SLATTERY

JOHN AGUIRRE  
EDWARD M LADLEY

UNDER ADVISEMENT RULING

This matter came on for oral argument before the Court on February 13, 2012 with regard to the November 14, 2011 Motion to Name Non-Party at Fault (hereafter referred to as the "Motion") filed by Defendant Phoenix Children's Hospital ("PCH"). Following argument, the Court took the matters presented under advisement. Having further considered those matters,

**IT IS ORDERED** denying the Motion.

The Court finds, given the many delays in this matter, that PCH was reasonably diligent in bringing this Motion. However, it finds very substantial unfair prejudice to the Plaintiff parents, who can no longer amend their Complaint to add Dr. Cwik as a Defendant. In addition, it finds considerable prejudice to the other parties because of the need to track over the discovery that has already occurred.

/s/ HUGH E. HEGYI

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JUDGE OF THE SUPERIOR COURT

DATED: 2/22/12

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**ALERT:** The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.